



12-13-04

1 PWS

In The United States Patent and Trademark Office

Application Number: 10/648,126

Examiner: Hung Xuan Dang

Applicant(s): Yiling Xie

Group Art Unit: 2873

Filing Date: 08/25/2003

Title: Spectacles Set with Detachable Magnetic Shelter Frame

Date: December 09, 2004

RESPONSE

Honorable Commissioner for Patents,
P.O. Box 1450,
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed 09/16/2004, the applicant respectfully submits as follows.

Response to Rejection of Claims 1 to 20 under Obviousness Double Patenting

1. The applicant submits a terminal disclaimer herewith, in compliance with 37CFR1.321(c), to disclaim the terminal part of the statutory term of any patent granted on instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 6,540,348, 6,783,233, 6,761,449, 6,729,723, 6,382,787 and prior application no. 10/724,450, in order to overcome the rejection of the claims 10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,540,348, claims 1-40 of U.S. Patent No. 6,783,233, claims 1-28 of U.S. Patent No. 6,761,449, claims 1-8 of U.S. Patent No. 6,729,723, claims 1-20 of U.S. Patent No. 6,382,787, and claims 1-20 of U.S. Copending Application No. 10/724,450.

2. Although a terminal disclaimer in compliance with 37CFR1.321(c) is submitted herewith to practically overcome the nonstatutory double patenting ground and render the instant invention allowable, the applicant respectfully submits that the instant invention contains patentable subject matters in the disclosed embodiments and the

claims 1-20 of the instant invention are patentable with respect to the prior patent nos. 6,540,348, 6,783,233, 6,761,449, 6,729,723, and 6,382,787.

3. A check in an amount of US\$55.00 is submitted herewith to pay the terminal disclaimer fee. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 502111.

4. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the double patenting rejection are requested. Allowance of claims 1-20 at an early date is solicited.

5. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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CERTIFICATE OF MAILING

Express Mail Label # EV 361097142 US ; Date of Deposit 12/09/2004

I hereby certify that this corresponding is being deposited with the United States Postal Service by Express Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: December 09, 2004

Signature: 
Person Signing: Raymond Y. Chan